



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

April 18, 2014

BY ECF

The Honorable Jesse M. Furman
United States District Court
Southern District of New York
40 Foley Square, Room 2202
New York, New York 10007

Re: United States v. Alimzhan Tokhtakhounov et al.,
13 Cr. 268 (JMF)

Dear Judge Furman:

The Government respectfully requests that the Court so order the enclosed Stipulation and Order between the United States and Michael Sall, Elizabeth Sall, Kathryn Sall, and Jennifer Sall concerning their respective interests in Villanova Properties, LLC and its assets.

Respectfully submitted,

PREET BHARARA
United States Attorney

By: /s/ Alexander J. Wilson
Alexander J. Wilson
Assistant United States Attorney
(212) 637-2453

Enclosure

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
:
UNITED STATES OF AMERICA
:
- v. -
:
ALIMZHAN TOKHTAKHOUNOV, et al.
:
Defendants.
:
- - - - - X

STIPULATION AND ORDER

13 Cr. 268 (JMF)

WHEREAS, on or about April 11, 2013, MICHAEL SALL, VADIM TRINCHER, and ANATOLY GOLUBCHIK, among others, were charged in Indictment, 13 Cr. 268 (JMF) (the "Indictment"), with, *inter alia*, participating in a racketeering conspiracy (Count One), in violation of Title 18, United States Code, Sections 1962(d);

WHEREAS, on or about November 14, 2013, TRINCHER pled guilty to Count One of the Indictment and admitted the forfeiture allegation, pursuant to a plea agreement with the Government in which he agreed to forfeit to the United States, all his right, title and interest, *inter alia*, Villanova Properties, LLC ("Villanova"), and all assets thereof, including but not limited to any and all funds on deposit in Citibank account number 759471457 (the "Villanova Account");

WHEREAS, on or about November 14, 2013, the Court entered a Consent Preliminary Order of Forfeiture as to Specific

Properties forfeiting to the United States all of TRINCHER's right, title and interest in various properties, including Villanova and the Villanova Account;

WHEREAS, on or about November 15, 2013, GOLUBCHIK pled guilty to Count One of the Indictment and admitted the forfeiture allegation, pursuant to a plea agreement with the Government in which he agreed to forfeit to the United States, all his right, title and interest, *inter alia*, Villanova and all assets thereof, including the Villanova Account;

WHEREAS, on or about November 15, 2013, the Court entered a Consent Preliminary Order of Forfeiture as to Specific Properties forfeiting to the United States all of GOLUBCHIK's right, title and interest in various properties, including Villanova and the Villanova Account;

WHEREAS, pursuant to the preliminary consent orders of forfeiture described above, the United States Marshals have seized all funds on deposit in the Villanova Account, amounting to \$2,299,191.83;

WHEREAS, on or about December 4, 2013, SALL was charged in a one-count Superseding Information, S1 13 Cr. 268 (JMF) (the "Information") with interstate travel in aid of an unlawful activity, in violation of 18 U.S.C. § 1952(a)(1);

WHEREAS, on or about December 4, 2013, SALL pled guilty to Count One of the Information, pursuant to a plea agreement with the Government wherein he agreed to forfeit, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, any and all property constituting, or derived from, proceeds obtained directly or indirectly as a result of such offense, including but not limited to a sum of money equal to \$1,300,000 in United States currency;

WHEREAS, on or about December 4, 2013, the Court entered a money judgment against SALL in the amount of \$1,300,000 in United States currency (the "Money Judgment"), to be paid by the time of sentencing;

WHEREAS, SALL has represented to the Government that Jennifer Sall, Kathryn Sall, and Elizabeth Sall hold a one-third interest in Villanova and that Villanova's assets consist exclusively of the Villanova Account and 412,953 shares of common stock (the "Achronix Stock") in Achronix Semiconductor Corporation ("Achronix"); and

WHEREAS, the Government and the Salls have agreed to resolve their respective claims to ownership of Villanova, the Villanova Account, and the Achronix Stock on the terms set forth in this Stipulation and Order;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Preet Bharara, United

States Attorney, Assistant United States Attorney Harris M. Fischman, of counsel, and Michael Sall, Jennifer Sall, Kathryn Sall, and Elizabeth Sall, and their counsel, Gary G. Becker, Esq. that:

1. Michael Sall, Jennifer Sall, Kathryn Sall, and Elizabeth Sall (the "Salls") shall not file a petition in any ancillary proceeding or make any other claim with respect to any portion of the funds formerly on deposit in the Villanova Account, and hereby consent to the forfeiture of said funds to the United States. Upon entry of a final order of forfeiture with respect to said funds, one-third of the funds forfeited shall be credited towards the Money Judgment. Should one-third of the forfeited funds amount to less than \$764,599.94, Michael Sall shall pay the difference between that amount and \$764,599.94 within 30 days of the date of entry of the final order of forfeiture in satisfaction of the Money Judgment.

2. The Salls shall not file a petition in any ancillary proceeding or make any other claim with respect to 275,302 shares of common stock in Achronix held by Villanova Properties, LLC, representing two-thirds of the Achronix Stock, and hereby consent to the forfeiture of said shares to the United States.

3. The interests forfeited to the United States via the Trinchler Order and the Golubchik Order in Villanova

Properties, LLC and 137,651 shares of common stock in Achronix held by Villanova Properties, LLC, representing the remaining one-third of the Achronix Stock, are hereby transferred to Jennifer Sall, Kathryn Sall, and Elizabeth Sall in equal shares.

4. The Salls represent and warrant that the Villanova Account and the Achronix Stock constitute the entirety of Villanova's assets. To the extent Villanova has an ownership interest in any other asset, the Salls shall not file a petition in any ancillary proceeding or make any other claim with respect to such assets, and hereby consent to the forfeiture of such assets to the United States.

5. The Court shall have exclusive jurisdiction over the interpretation and enforcement of this Stipulation and Order.

6. Each party to this Stipulation and Order shall bear its own legal and other costs incurred in connection with this matter.

7. The Clerk of the Court shall forward three certified copies of this Stipulation and Order to Assistant United States Attorney Alexander J. Wilson.

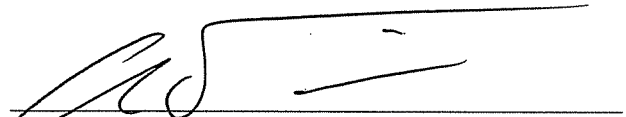
8. The signature pages of this Stipulation and Order may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute

one and the same instrument. Signature pages may be by fax or email and such signatures shall be deemed as valid originals.

AGREED AND CONSENTED TO:

PREET BHARARA
United States Attorney for the
Southern District of New York

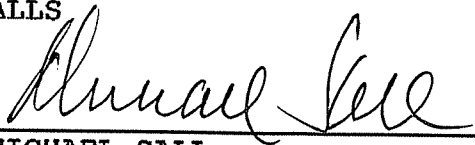
By:


ALEXANDER J. WILSON
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
Tel.: (212) 637-2453

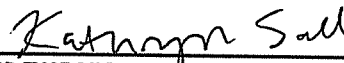
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[ADDITIONAL SIGNATURES ON FOLLOWING PAGE]

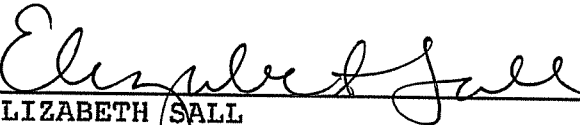
THE SALLS

By: 
MICHAEL SALL

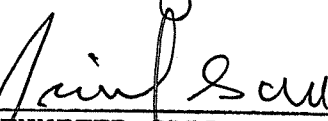
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By: 
KATHRYN SALL

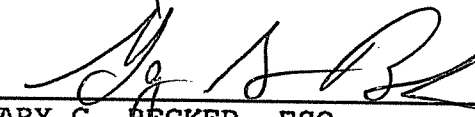
4/17/14
DATE

By: 
ELIZABETH SALL

4.17.14
DATE

By: 
JENNIFER SALL

4/17/14
DATE

By: 
GARY G. BECKER, ESQ.
Attorney for the Salls
20 West 57th Street, Suite 900
New York, NY 10019

4/18/14
DATE

SO ORDERED:

HONORABLE JESSE M. FURMAN
UNITED STATES DISTRICT JUDGE

DATE